

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
(FORT WORTH DIVISION)**

NEXTGEAR CAPITAL, INC. AND
AUTOMOTIVE FINANCE
CORPORATION,

Plaintiffs,

v.

DRUIEN, INC. D/B/A LAWTON AUTO
AUCTION A/K/A LAWTON CACHE
AUTO AUCTION, LISA DRUIEN,
MICHAEL VERNON GARRISON D/B/A
ROCK HILL USED CARS, AND
EMMETT DRUIEN,

Defendants.

Civil Action No. 4:20-cv-00959-BJ

**PLAINTIFFS' RESPONSE TO DEFENDANTS' MOTION TO WITHDRAW AND/OR
AMEND DEEMED ADMISSIONS**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Plaintiffs NextGear Capital, Inc. ("NextGear") and Automotive Finance Corporation ("AFC") (collectively, the "Plaintiffs"), and files this its Response to Defendants' Motion to Withdraw and/or Amend Deemed Admissions (the "Response") and respectfully requests that the Court deny Defendants' Druien, Inc. d/b/a Lawton Auto Auction a/k/a Lawton Cache Auto Auction, Lisa Druien, and Emmett Druien (collectively, the "Defendants") Motion to Withdraw and/or Amend Deemed Admissions.

The grounds for this Response are that Defendants have failed to meet their burden under Rule 36(b) of the Federal Rules of Civil Procedure and Plaintiffs NextGear and AFC have shown that allowing the amendment or withdraw of the deemed admissions will prejudice Plaintiffs in maintaining the suit on the merits. Therefore, Plaintiffs NextGear and AFC respectfully request that the Court deny Defendants' Motion to Withdraw and/or Amend Deemed Admissions. Each

of the required matters will be set forth in Plaintiffs' Brief in Support of its Response to Defendants' Motion to Withdraw and/or Amend Deemed Admissions.

Respectfully Submitted,

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Attorneys for NextGear and AFC

CERTIFICATE OF SERVICE

This is to certify that on October 4, 2021, a true and correct copy of the foregoing has been forwarded to Defendants Druen, Inc. d/b/a Lawton Auto Auction a/k/a Lawton Cache Auto Auction, Lisa Druen, and Emmett Druen, by and through their counsel of record, Richard Tallini, of Bailey & Galyen at 1300 Summit Avenue, Suite 650, Fort Worth, Texas 76102, via ECF.

/s/ Christopher V. Arisco
Christopher V. Arisco